

EDWARD H. KUBO, JR. #2499  
United States Attorney  
District of Hawaii

J. MICHAEL SEABRIGHT #3753  
Assistant U.S. Attorney

TRACY A. HINO #3202  
Assistant U.S. Attorney  
Room 6100, PJKK Federal Building  
300 Ala Moana Blvd., Box 50183  
Honolulu, Hawaii 96850  
Telephone: (808) 541-2850  
Facsimile: (808) 541-2958  
E-mail: Tracy.Hino@usdoj.gov

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII  
OCT 04 2004  
at 2 o'clock and 35 min P.M.  
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. <b>CRO 4 00376 DAE</b>
	)	
Plaintiff,	)	INFORMATION
	)	
vs.	)	18 U.S.C. §§ 1344, 1343, and
	)	666(a)(1)(A)
TRACY RODRIGUES,	)	
	)	
Defendant.	)	
	)	

INFORMATION

COUNT 1  
(Bank Fraud)

The United States Attorney charges:

Introduction

1. At all times material to the Information, American Savings Bank was a "financial institution" as defined in Title 18, United States Code, Section 20.

2. At all times material to the Information, Maximus Inc. ("Maximus") was a private foreign corporation contracted by the State of Hawaii, Department of Human Services ("DHS"), to provide a variety of social welfare services to DHS clients ("clients").

a. At all times material to the Information, the DHS received more than \$10,000.00 in Federal grant funds each year from the Adult, Children, and Family Division, of the United States Department of Health and Human Services, at the start of the Federal fiscal years on October 31, 2000, 2001, 2002, 2003, and 2004, to wit: Temporary Assistance For Needy Families grants ("TANF grants").

b. Maximus' primary function was to assist unemployed clients obtain job training and employment through the DHS "First to Work" program. To assist clients' efforts to obtain job training and employment, Maximus would administer and disburse Federal TANF grant funds and State of Hawaii funds to eligible clients to provide them with sufficient funds to pay for child care expenses. Typically, clients were entitled to payments of up to \$250 per child per month for child care expenses such as babysitting or pre-school care.

3. At all times material to the Information, TRACY RODRIGUES was employed with Maximus as a Case Manager. As a Case Manager, TRACY RODRIGUES' primary responsibility was to assist

clients obtain job training and employment through the "First to Work" program. As an ancillary duty, TRACY RODRIGUES was also responsible for the issuance and management of monthly child care benefit payments to clients, to wit: 1) generating and issuing monthly child care benefit payments to clients; 2) verifying that clients provided sufficient documentation to support their claims for monthly child care benefit payments; 3) verifying that clients continued to meet eligibility requirements to continue to receive monthly child care benefit payments; and 4) adjusting the amount of the monthly child care benefit payments to clients in accordance with DHS program regulations.

4. As a Case Manager, TRACY RODRIGUES was entrusted with considerable discretion to generate monthly child care benefit payments for clients utilizing the DHS computer network system accessed through on-site terminals at Maximus offices located in the State of Hawaii.

a. Prior to June 2002, TRACY RODRIGUES would generate and issue child care benefit payments to clients each month in the form of a State of Hawaii warrant ("warrant"). To generate these monthly warrants, TRACY RODRIGUES would log on to the DHS computer network and authorize the issuance of the warrants. The warrants would be stored at the Maximus offices and were accessible to all Case Managers until they were mailed or hand

delivered to clients. Upon receipt, clients would negotiate the warrants and utilize the monies for monthly child care expenses.

b. After June 2002, the DHS stopped using monthly warrants and TRACY RODRIGUES would generate and issue child care benefit payments to clients each month in the form of a monetary credit to an Electronic Benefits Transfer ("EBT") card. TRACY RODRIGUES received training on processing the EBT card transactions and knew that EBT card transactions were processed on the mainland causing a lag time of a few days before monetary credits would be posted to clients' EBT cards. To generate these monthly EBT card monetary credits to clients' EBT cards, TRACY RODRIGUES would log on to the DHS computer network and authorize the issuance of EBT card monetary credits. The authorization would be transmitted by the DHS computer network to Citicorp Electronic Financial Services, Inc. in Delaware, who serviced the DHS EBT account. After the EBT card monetary credits were posted a few days later, clients would present their EBT cards to financial institutions or retail establishments accepting EBT cards and utilize the monies for monthly child care expenses.

The Scheme to Defraud

5. From on or about April 4, 2001, to on or about July 12, 2002, in the District of Hawaii, TRACY RODRIGUES, knowingly executed and attempted to execute a scheme and artifice to defraud American Savings Bank and to obtain any of the moneys

and funds owned by, and under the custody and control of American Savings Bank, by means of material false or fraudulent pretenses, representations, and promises, as more fully set forth below.

6. It was part of the scheme and artifice to defraud American Savings Bank and to obtain any of the moneys and funds owned by, and under the custody and control of American Savings Bank by means of material false or fraudulent pretenses, representations, and promises, that TRACY RODRIGUES, among other things, did the following:

a. TRACY RODRIGUES obtained a client's warrant without the client's knowledge and authorization and forged (or caused to be forged) the client's endorsement on the warrant. TRACY RODRIGUES then allowed a person identified herein as "CD" to co-endorse the warrant and deposit it into CD's American Savings Bank account. On the same day or soon thereafter, a check drawn on CD's American Savings Bank account made payable to "CASH" or "TRACY RODRIGUES" for approximately the same dollar amount as the previously deposited forged warrant would be deposited into TRACY RODRIGUES' American Savings Bank account for her benefit or the benefit of others.

b. TRACY RODRIGUES obtained a client's warrant without the client's knowledge and authorization and forged (or caused to be forged) the client's endorsement on the warrant. TRACY RODRIGUES then forged (or caused to be forged) CD's co-

endorsement on the warrant and deposited it (or caused it to be deposited) into CD's American Savings Bank account. On the same day or soon thereafter, a check drawn on CD's American Savings Bank account made payable to "CASH" or "TRACY RODRIGUES" for approximately the same dollar amount as the previously deposited forged warrant would be deposited into TRACY RODRIGUES' American Savings Bank account for her benefit or the benefit of others.

c. TRACY RODRIGUES obtained a client's warrant without the client's knowledge and authorization and forged (or caused to be forged) the client's endorsement on the warrant. TRACY RODRIGUES then deposited it (or caused it to be deposited) into her American Savings Bank account for her benefit or the benefit of others.

d. TRACY RODRIGUES generated and issued an excess warrant that no client was entitled to. Utilizing one or more or a combination of the methods set forth above, TRACY RODRIGUES negotiated the warrant through American Savings Bank for her own benefit or the benefit of others. In some instances, TRACY RODRIGUES completed a "warrant cancellation" form making it appear that the excess warrant was erroneously generated and issued and properly disposed of.

#### Execution of the Scheme to Defraud

7. For the purpose of executing the scheme and artifice to defraud a financial institution and to obtain any of

the moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of American Savings Bank by means of material false or fraudulent pretenses, representations, and promises, TRACY RODRIGUES, executed and caused the scheme to be executed by depositing (or causing to be deposited) State of Hawaii warrants made payable to clients into CD's American Savings Bank account or TRACY RODRIGUES' American Savings Bank account and subsequently utilized these funds totaling approximately \$59,830 for her own benefit and the benefit of others as set forth below:

<b>Warrant Number</b>	<b>Amount</b>	<b>Date Negotiated</b>
102569	\$375	04/04/01
22095	\$250	10/12/01
22097	\$250	10/12/01
22098	\$250	10/12/01
31968	\$375	11/02/01
4332	\$194	11/05/01
4333	\$194	11/05/01
4334	\$194	11/05/01
4335	\$194	11/05/01
22087	\$300	11/09/01
58729	\$150	11/16/01
86601	\$250	11/30/01
86602	\$250	11/30/01
86613	\$375	11/30/01
86614	\$375	11/30/01
86615	\$375	11/30/01
86616	\$375	11/30/01
86617	\$375	11/30/01
86618	\$250	11/30/01
86619	\$250	11/30/01
97254	\$250	12/04/01
97255	\$250	12/04/01
97256	\$250	12/04/01
97257	\$250	12/04/01
97263	\$250	12/05/01

Warrant Number	Amount	Date Negotiated
97264	\$250	12/05/01
97293	\$250	12/14/01
97294	\$250	12/14/01
97295	\$250	12/14/01
22096	\$250	12/14/01
40565	\$250	12/19/01
40566	\$250	12/19/01
40567	\$250	12/19/01
106112	\$250	12/28/01
106117	\$250	12/28/01
106118	\$250	12/28/01
106119	\$250	12/28/01
106120	\$250	12/28/01
106121	\$250	12/28/01
106113	\$250	12/28/01
106114	\$250	12/28/01
106115	\$250	12/28/01
106116	\$250	12/28/01
106246	\$194	12/31/01
106247	\$194	12/31/01
106248	\$194	12/31/01
106249	\$194	12/31/01
106250	\$194	12/31/01
106251	\$194	12/31/01
106208	\$250	01/02/02
106209	\$250	01/02/02
106210	\$250	01/02/02
106240	\$194	01/04/02
106241	\$194	01/04/02
117178	\$250	01/04/02
117179	\$250	01/04/02
117180	\$250	01/04/02
117181	\$250	01/04/02
106205	\$194	01/09/02
106206	\$194	01/09/02
106207	\$194	01/09/02
117184	\$375	01/09/02
106252	\$375	01/09/02
117155	\$250	01/10/02
117156	\$250	01/10/02
117157	\$250	01/10/02
117158	\$250	01/10/02
106094	\$250	01/17/02
117090	\$250	01/17/02
125676	\$250	01/29/02



Warrant Number	Amount	Date Negotiated
125677	\$250	01/29/02
125678	\$250	01/29/02
125709	\$250	01/29/02
125710	\$250	01/29/02
125711	\$250	01/29/02
125712	\$250	01/29/02
125713	\$250	01/29/02
125715	\$250	01/31/02
125716	\$250	01/31/02
125717	\$250	01/31/02
125718	\$250	01/31/02
125726	\$250	01/31/02
125727	\$250	01/31/02
125644	\$250	02/04/02
125645	\$250	02/04/02
125646	\$250	02/04/02
125651	\$250	02/04/02
125652	\$250	02/04/02
125653	\$250	02/04/02
125673	\$250	02/06/02
125674	\$250	02/06/02
125675	\$250	02/06/02
136915	\$250	02/06/02
136916	\$250	02/06/02
136965	\$250	02/11/02
136966	\$250	02/11/02
136967	\$250	02/11/02
125728	\$250	02/11/02
125729	\$250	02/11/02
136906	\$250	02/14/02
136907	\$250	02/14/02
136908	\$250	02/14/02
136997	\$250	02/14/02
136998	\$250	02/14/02
136999	\$250	02/14/02
125761	\$250	02/14/02
125762	\$250	02/14/02
125763	\$250	02/14/02
125697	\$194	02/19/02
125700	\$250	02/19/02
125701	\$250	02/19/02
125702	\$250	02/19/02
137022	\$194	02/25/02
137023	\$194	02/25/02
137024	\$194	02/25/02

Warrant Number	Amount	Date Negotiated
137025	\$194	02/25/02
125768	\$250	02/25/02
125769	\$250	02/25/02
125770	\$250	02/25/02
125771	\$250	02/25/02
145309	\$250	02/28/02
145310	\$250	02/28/02
145311	\$250	02/28/02
145337	\$250	02/28/02
145338	\$250	02/28/02
145339	\$250	02/28/02
156372	\$250	03/05/02
156373	\$250	03/05/02
145333	\$250	03/05/02
145334	\$250	03/05/02
145335	\$250	03/05/02
145336	\$250	03/05/02
136926	\$250	03/11/02
136927	\$250	03/11/02
136929	\$250	03/11/02
136930	\$250	03/11/02
125747	\$250	03/11/02
125748	\$194	03/11/02
137017	\$194	03/11/02
156429	\$250	03/15/02
156430	\$250	03/15/02
156453	\$250	03/15/02
156454	\$250	03/15/02
156455	\$250	03/15/02
156456	\$250	03/15/02
141515	\$194	03/15/02
141516	\$194	03/15/02
145328	\$250	03/21/02
145329	\$194	03/21/02
145330	\$194	03/21/02
156457	\$194	03/21/02
156458	\$194	03/21/02
156459	\$250	03/21/02
164704	\$250	03/26/02
164705	\$250	03/26/02
164706	\$250	03/26/02
164731	\$194	03/26/02
164732	\$194	03/26/02
164734	\$194	03/26/02
176062	\$250	04/05/02

Warrant Number	Amount	Date Negotiated
176063	\$250	04/05/02
137013	\$250	04/05/02
145326	\$250	04/05/02
164733	\$250	04/05/02
164737	\$194	04/05/02
141517	\$150	04/05/02
176018	\$250	04/10/02
176019	\$250	04/10/02
25554	\$375	04/10/02
137015	\$150	04/10/02
137016	\$250	04/10/02
164727	\$250	04/10/02
164728	\$250	04/10/02
176033	\$194	04/12/02
176034	\$194	04/12/02
117116	\$250	04/12/02
117117	\$194	04/12/02
117126	\$194	04/12/02
117127	\$250	04/12/02
176004	\$250	04/24/02
156366	\$250	04/24/02
145287	\$250	04/24/02
176073	\$250	04/24/02
176074	\$150	04/24/02
156405	\$250	04/29/02
156406	\$250	04/29/02
156407	\$250	04/29/02
156408	\$250	04/29/02
184164	\$250	04/30/02
184165	\$250	04/30/02
184166	\$250	04/30/02
184190	\$194	04/30/02
184191	\$194	04/30/02
184192	\$194	04/30/02
184193	\$194	04/30/02
184194	\$194	04/30/02
184137	\$250	05/02/02
184138	\$250	05/02/02
184139	\$250	05/02/02
184161	\$250	05/02/02
184162	\$250	05/02/02
184163	\$250	05/02/02
191692	\$194	05/08/02
191693	\$194	05/08/02
191694	\$194	05/08/02

Warrant Number	Amount	Date Negotiated
184179	\$250	05/08/02
184180	\$250	05/08/02
184181	\$250	05/08/02
184182	\$250	05/08/02
184133	\$250	05/10/02
184134	\$250	05/10/02
184135	\$250	05/10/02
184136	\$250	05/10/02
184140	\$250	05/10/02
184141	\$250	05/10/02
184167	\$250	05/16/02
184168	\$250	05/16/02
184169	\$250	05/16/02
184175	\$194	05/16/02
184176	\$194	05/16/02
184177	\$194	05/16/02
184178	\$194	05/16/02
184142	\$250	05/20/02
184143	\$250	05/20/02
184144	\$250	05/20/02
184145	\$250	05/20/02
184158	\$250	05/23/02
184159	\$250	05/23/02
184160	\$250	05/23/02
191656	\$250	05/31/02
191702	\$150	05/31/02
191703	\$250	05/31/02
191704	\$250	05/31/02
191705	\$250	05/31/02
191635	\$122	06/13/02
191636	\$250	06/13/02
191638	\$122	06/13/02
191678	\$250	06/13/02
191679	\$250	06/13/02
191680	\$250	06/13/02
191695	\$250	06/14/02
191696	\$250	06/14/02
191697	\$250	06/14/02
191651	\$375	06/24/02
191685	\$150	06/24/02
191681	\$150	07/09/02
43981	\$130	07/09/02
191684	\$120	07/09/02
58753	\$250	07/12/02
136986	\$ 49	07/12/02

In violation of Title 18, United States Code, Section 1344.

**COUNT 2**  
**(Wire Fraud)**

The United States Attorney further charges:

8. Paragraphs 1 through 4 of this Information are realleged as if fully set forth herein.

**The Scheme to Defraud**

9. From on or about June 18, 2002, to on or about April 7, 2003, in the District of Hawaii, TRACY RODRIGUES, knowingly executed and attempted to execute a scheme and artifice to defraud the State of Hawaii, Department of Human Services, to obtain any of the moneys and funds owned by, and under the custody and control of the State of Hawaii, Department of Human Services, by means of material false or fraudulent pretenses, representations, and promises, as more fully set forth below.

10. It was part of the scheme and artifice to defraud the State of Hawaii, Department of Human Services, and to obtain any of the moneys and funds owned by, and under the custody and control of the State of Hawaii, Department of Human Services, by means of material false or fraudulent pretenses, representations, and promises, that TRACY RODRIGUES, among other things, did the following:

a. TRACY RODRIGUES generated and issued monetary credits to a client's EBT card that exceeded the monthly child

care benefit payments that the client was entitled to. TRACY RODRIGUES directed the non-collusive client to repay the overpayment directly to her in the form of a money order which she deposited into her American Savings Bank account for her own benefit and the benefit of others.

b. TRACY RODRIGUES generated and issued monetary credits to a client's EBT card that exceeded the monthly child care benefit payments that the client was entitled to. TRACY RODRIGUES obtained the non-collusive client's EBT card and personal identification number ("PIN") and withdrew the excess proceeds at an American Savings Bank automatic teller machine ("ATM") for her own benefit and the benefit of others.

c. TRACY RODRIGUES generated and issued monetary credits to a client's EBT card that exceeded the monthly child care benefit payments that the client was entitled to. The collusive client withdrew the excess proceeds and gave them to TRACY RODRIGUES for her own benefit and the benefit of others.

d. TRACY RODRIGUES generated and issued monetary credits to a client's EBT card that exceeded the monthly child care benefit payments that the client was entitled to. TRACY RODRIGUES obtained the collusive client's EBT card and PIN and withdrew the excess proceeds at an American Savings Bank ATM for her own benefit and the benefit of others.

Execution of the Scheme to Defraud

11. For the purpose of executing the scheme and artifice to defraud the State of Hawaii, Department of Human Services, to obtain any of the moneys and funds owned by, and under the custody and control of the State of Hawaii, Department of Human Services, by means of material false or fraudulent pretenses, representations, and promises, TRACY RODRIGUES executed the scheme and knowingly cause to be transmitted in interstate commerce by means of a wire communication, certain writings, signs, and signals, that is, computer data from Maximus, Inc. in Hawaii through the State of Hawaii, Department of Human Services, computer network to Citicorps Electronic Financial Services, Inc. in Florida, to generate and issue excess monthly child care monetary credits on clients' EBT cards and subsequently utilized these funds totaling approximately \$33,239 for her own benefit and for the benefit of others as set forth below:

<b>Date Generated</b>	<b>Excess Amount</b>
06/18/02	\$1,000
10/01/02	\$ 388
10/11/02	\$1,250
11/13/02	\$1,500
11/19/02	\$ 750
12/13/02	\$1,000
12/18/02	\$1,000
12/23/02	\$ 750
12/23/02	\$1,000
12/24/02	\$1,000
01/02/03	\$ 750

Date Generated	Excess Amount
01/07/03	\$ 750
01/09/03	\$1,000
01/13/03	\$1,000
01/14/03	\$1,000
01/21/03	\$1,000
02/18/03	\$3,601
02/18/03	\$1,500
03/03/03	\$1,000
03/04/03	\$1,500
03/10/03	\$3,000
03/20/03	\$1,500
03/20/03	\$2,000
04/01/03	\$3,000
04/07/03	\$1,000

All in violation of Title 18, United States Code, Section 1343.

**COUNT 3**

**(Theft From a State Program Receiving Federal Funds)**

The United States Attorney further charges:

12. Paragraphs 1 through 11 of this Information are realleged as if fully set forth herein.

13. From on or about April 4, 2001, to on or about April 10, 2003, in the District of Hawaii, TRACY RODRIGUES, being an agent of an agency of a State government, to wit: the State of Hawaii, Department of Human Services, said agency receiving in the one year periods beginning October 31, 2000, 2001, 2002, and 2003, benefits in excess of \$10,0000 from Temporary Assistance For Needy Families Federal grant funds from the Adult, Children, and Family Division of the United States Department of Health and Human Services, embezzled, stole, obtained by fraud, and without

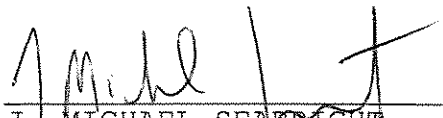


authority knowingly converted to the use of a person not the rightful owner, and intentionally misapplied property worth at least \$5,000 and owned by and under the care, custody, and control of the State of Hawaii, Department of Human Services, to wit: money intended for child care benefit payments to clients participating in the State of Hawaii, Department of Human Services, "First to Work" program.

All in violation of Title 18, United States Code, Section 666(a)(1)(A).

DATED: Oct. 4, 2004 at Honolulu, Hawaii.

EDWARD H. KUBO  
United States Attorney  
District of Hawaii

  
J. MICHAEL SEABRIGHT  
Assistant U.S. Attorney

  
TRACY A. HINO  
Assistant U.S. Attorney

United States v. Tracy Rodrigues  
Cr. No. \_\_\_\_\_  
"Information" \_\_\_\_\_

CRO 4 00376